

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

# **SENATE BILL 1172**

AN ACT

AMENDING SECTIONS 15-511 AND 15-1045, ARIZONA REVISED STATUTES; RELATING TO RELEASE OF INFORMATION BY SCHOOL PERSONNEL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 15-511, Arizona Revised Statutes, is amended to  
3 read:

4           15-511. Use of school district or charter school resources or  
5           employees to influence elections: prohibition: civil  
6           penalty: definitions

7       A. A person acting on behalf of a school district or a person who aids  
8 another person acting on behalf of a school district shall not spend or use  
9 school district or charter school resources, including the use or expenditure  
10 of monies, accounts, credit, facilities, vehicles, postage,  
11 telecommunications, computer hardware and software, web pages, personnel,  
12 equipment, materials, buildings or any other thing of value of the school  
13 district or charter school, for the purpose of influencing the outcomes of  
14 elections. Notwithstanding this section, a school district may distribute  
15 informational reports on a proposed budget override election as provided in  
16 section 15-481, subsections B and C or informational reports on a proposed  
17 bond election as provided in section 15-491, subsection D if those  
18 informational reports present factual information in a neutral manner, except  
19 for those arguments presented as prescribed in section 15-481, subsection B,  
20 paragraph 9. Nothing in this section precludes a school district from  
21 reporting on official actions of the governing board.

22       B. This section does not prohibit the use of school district or  
23 charter school resources, including facilities and equipment, for  
24 government-sponsored forums or debates if the government sponsor remains  
25 impartial and the events are purely informational and provide an equal  
26 opportunity to all viewpoints. The rental and use of a public facility by a  
27 private person or entity that may lawfully attempt to influence the outcome  
28 of an election is permitted if it does not occur at the same time and place  
29 as a government-sponsored forum or debate.

30       C. An employee of a school district or charter school who is acting as  
31 an agent of or working in an official capacity for the school district or  
32 charter school may not ~~give pupils~~ **DISTRIBUTE** written **OR ELECTRONIC** materials  
33 to influence the outcome of an election or to advocate support for or  
34 opposition to pending or proposed legislation.

35       D. Employees of a school district or charter school may not use the  
36 authority of their positions to influence the vote or political activities of  
37 any subordinate employee.

38       E. Notwithstanding section 15-342, paragraph 8, a school district  
39 shall not spend monies for membership in an association that attempts to  
40 influence the outcome of an election.

41       F. Nothing contained in this section shall be construed as denying the  
42 civil and political liberties of any person as guaranteed by the United  
43 States and Arizona Constitutions.

1       G. The attorney general shall publish and distribute to school  
2 districts and charter schools a detailed guideline regarding activities  
3 prohibited under this section. The attorney general may distribute these  
4 guidelines through a website or electronically.

5       H. The attorney general or the county attorney for the county in which  
6 an alleged violation of this section occurred may initiate a suit in the  
7 superior court in the county in which the school district or charter school  
8 is located for the purpose of complying with this section.

9       I. For each violation of this section, the court may impose a civil  
10 penalty not to exceed five thousand dollars plus any amount of misused funds  
11 subtracted from the school district budget against a person who knowingly  
12 violates or a person who knowingly aids another person in violating this  
13 section. The person determined to be out of compliance with this section  
14 shall be responsible for the payment of all penalties and misused  
15 funds. School district funds or insurance payments shall not be used to pay  
16 these penalties or misused funds. All misused funds collected pursuant to  
17 this section shall be returned to the school district or charter school whose  
18 funds were misused.

19      J. An attorney acting on behalf of a public school may request a legal  
20 opinion of the county attorney or attorney general as to whether a proposed  
21 use of school district resources would violate this section.

22      K. All penalties collected by the court for a suit initiated in  
23 superior court by the attorney general shall be paid to the office of the  
24 attorney general for the use and reimbursement of costs of prosecution  
25 pursuant to this section. All penalties collected by the court for a suit  
26 initiated in superior court by a county attorney shall be paid to the county  
27 treasurer of the county in which the court is held for the use and  
28 reimbursement of costs of prosecution pursuant to this section.

29      L. For the purposes of this section:

30       1. "Government-sponsored forum or debate" means any event, or part of  
31 an event or meeting, in which the government is an official sponsor, which is  
32 open to the public or to invited members of the public, and whose purpose is  
33 to inform the public about an issue or proposition that is before the voters.

34       2. "Influencing the outcomes of elections" means supporting or  
35 opposing a candidate for nomination or election to public office or the  
36 recall of a public officer or supporting or opposing a ballot measure,  
37 question or proposition, including any bond, budget or override election and  
38 supporting or opposing the circulation of a petition for the recall of a  
39 public officer or a petition for a ballot measure, question or proposition in  
40 any manner that is not impartial or neutral.

41       3. "Misused funds" means school district monies or resources used  
42 unlawfully pursuant to this section.

1 Sec. 2. Section 15-1045, Arizona Revised Statutes, is amended to read:

2       15-1045. Education database: pupil privacy

3       A. Any collection, maintenance or disclosure of pupil educational  
4 records compiled by the department of education in an education database of  
5 pupil records shall comply with the family educational rights and privacy act  
6 OF 1974 (20 United States Code section 1232g).

7       B. The department of education shall maintain the database in the  
8 following manner:

9           1. The use of the information is limited to comply with statutory  
10 obligations.

11           2. Personally identifiable information is confidential and is not A  
12 public record.

13           3. Proper security measures are employed to ensure the confidentiality  
14 and integrity of the education database.

15           4. Data is secured from breaches and identity theft through  
16 implementation of protections and standards.

17           C. The pupil identifier in the education database is unique,~~— AND~~ not  
18 identifiable by anyone other than officials maintaining the education  
19 database and shall not be the pupil's social security number or any variation  
20 of the pupil's social security number.

21           D. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOT RELEASE INFORMATION,  
22 INCLUDING INFORMATION DESCRIBED AS DIRECTORY INFORMATION PURSUANT TO SECTION  
23 15-142 OR INFORMATION THAT WOULD VIOLATE SECTION 15-511 OR THE FAMILY  
24 EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (20 UNITED STATES CODE SECTION  
25 1232g), TO ANY PERSON OR GROUP FOR THE PURPOSE OF ENGAGING IN POLITICAL  
26 ACTIVITY, INCLUDING POLITICAL ACTIVITY RELATING TO A BOND OR OVERRIDE  
27 ELECTION. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOT ACCEPT MONETARY  
28 COMPENSATION OR GIFTS, OTHER THAN REASONABLE FEES PERMITTED BY LAW, FOR THE  
29 PRODUCTION OF RECORDS OR IN RETURN FOR PROVIDING A PERSON WITH INFORMATION  
30 DESCRIBED AS DIRECTORY INFORMATION PURSUANT TO SECTION 15-142 OR INFORMATION  
31 THAT WOULD VIOLATE SECTION 15-511 OR THE FAMILY EDUCATIONAL RIGHTS AND  
32 PRIVACY ACT OF 1974 (20 UNITED STATES CODE SECTION 1232g).